



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK G. MORTENSON
POST OFFICE BOX 310
NORTH EAST, MD 21901-0310

COPY MAILED

OCT 24 2005

OFFICE OF PETITIONS

In re Application of
Julianna H. J. Brooks, et al.
Application No. 09/786,794
Filed: March 8, 2001
Attorney Docket No. BLP:106

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 10, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed May 18, 2004, which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. An Advisory action was mailed December 8, 2004 indicating that the reply filed on November 19, 2004, failed to place the application in condition for allowance. Accordingly, the application became abandoned at on November 19, 2004.

The filing of the RCE on May 10, 2005, obviates the Notice of Appeal filed with the instant petition. Accordingly, the Notice of Appeal will not be entered and the fee submitted with the Notice of Appeal will be refunded by treasury check in due course.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment and a Request for Continued Examination (RCE); (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the petition filed May 10, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being forwarded to Technology Center 2800, Art Unit 2856 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Retta Williams
Retta Williams
Petitions Examiner
Office of Petitions